POLITICAL CONNECTIONS

The End of the Power of One

Henry Waxman's retirement captures Congress's transformation into a quasi-parliamentary institution.

Smiling now: Waxman's swan song. (Chet Susslin)

By Ronald Brownstein
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Henry Waxman could be the last person in Washington to acknowledge that there may never be another Henry Waxman. His departure captures a fundamental shift in Congress that has vastly reduced the ability of any individual member to shape policy as consequentially as he did.

Waxman, a Democratic representative from Los Angeles first elected in the 1974 Watergate class, announced last week he would retire after this session. No other legislator over his four-decade career—and few in any era—affected the daily lives of more Americans than Waxman, who shepherded into law landmark bills on clean air, clean water, access to health care, tobacco regulation, nutritional labeling, food safety, HIV/AIDS, and generic drugs.

Over his remarkable tenure, Waxman embodied the definition of a great legislator: He created coalitions that would not have existed without him. Most of his major accomplishments were passed with significant Republican support. Waxman demonstrated that a single legislator, with enough skill and tenacity, can leave an indelible mark.

That has been true through most of Congress's history. But since the 1980s, power has passed from individual legislators to the

parties collectively. Each side has centralized more authority in the party leadership. And far fewer members are willing to buck their party's consensus to partner with legislators from the other side, no matter how skillfully they craft a compromise.

The result has been to greatly diminish the ability of even the most brilliant legislators—whether Waxman or senators like Ted Kennedy and Bob Dole—to break stalemates by creatively assembling coalitions no one else could envision. "It's hard for a guy like that to emerge now on either side," says former Rep. Tom Davis, the Republican who chaired the House Oversight and Government Reform Committee when Waxman was the ranking Democrat. Adds Steve Elmendorf, a former top House Democratic aide, "The leadership is not going to give you the space to do it."

Instead, in almost all cases, each party's leadership now decides whether to reach agreement with the opposition—or, more often, to not agree. Rather than negotiating their own compromises, legislators are expected to salute their party's collective decision. "The best way to put it," Davis says, "is we've turned into a parliamentary system."

Waxman's own career illustrates the constricting effect of this new dynamic. His reform-minded class of 1974 drove a historic decentralization of authority, passing rules that shattered the power of seniority and forced previously autocratic committee chairs to respond more to their party's rank-and-file consensus. That era's House speakers, recognizing the democratizing current, governed lightly and gave members enormous latitude. In an emblematic moment, Waxman recalls that while he and Rep. John Dingell, then-chairman of the mighty House Energy and Commerce Committee, fought their titanic duel over extending the Clean Air Act through the 1980s, Speakers Tip O'Neill and Jim Wright essentially stood aside. "Neither took that much of an active role because they didn't see that as their job," Waxman told me.

Waxman thrived in this fluid atmosphere. He attracted 159 GOP votes for his landmark AIDS bill in 1990, 154 for the Clean Air Act amendments he passed in 1989 after finally outlasting Dingell, and so much bipartisan consensus on issues like safe water and nutrition labeling that the bills passed without recorded votes. The House approved his generic-drug bill unanimously. It was sometimes reluctant, but Ronald Reagan and George H.W. Bush signed into law many of Waxman's greatest accomplishments, particularly his tenacious step-by-step Medicaid expansion across the 1980s.

But the Congress that Waxman mastered is gone. Starting with Newt Gingrich in 1995, each party's leadership has seized more control over the congressional agenda: In contrast to O'Neill's hands-off posture, Waxman recalled, then-Speaker Nancy Pelosi compelled the three relevant committee chairs to start the Affordable Care Act debate with a common legislative draft. Bipartisan support is infinitely more difficult to attract today, both because party leaders and interest groups discourage it and because polarized population patterns have culled the number of House centrists. While Waxman drew broad bipartisan backing on clean air in 1989, he attracted just eight House Republicans to his climate bill in 2010, even though he based it on a proposal from an alliance of environmentalists and business leaders. That experience still frustrates Waxman. "It was a shock that the Republicans … weren't interested in what the business community had to say," he says.

To observers such as Brookings Institution senior fellow Thomas Mann, these changes mean that in today's quasi-parliamentary Congress "individuals are just really diminished in what they can accomplish." One who rejects that conclusion is Waxman. Congress may be paralyzed now, he says, with many Republicans in particular believing "compromise is a dirty word," but he insists that determined legislators can cut through the polarization to forge meaningful agreements. "I still think it can be done," he says firmly. Optimism and patience have been two of Waxman's greatest legislative assets—but it will take big shifts in the way Congress operates, and probably many years, for his confidence to be rewarded.

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